

FILED

UNITED STATES COURT OF APPEALS

JAN 14 2009

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellant,
Cross - Appellee,

v.

BERNARD LENWOOD WAYBRIGHT,

Defendant - Appellee,
Cross - Appellant.

Nos. 08-30263, 08-30264

D.C. No. 9:08-cr-00016-DWM
District of Montana,
Missoula

ORDER

The motions of plaintiff-appellant and defendant-appellee for voluntary dismissal of cross-appeal Nos. 08-30263 and 08-30264 are granted. Appeal Nos. 08-30263 and 08-30264 are dismissed. *See* Fed. R. App. P. 42(b); 9th Cir. R. 27-9.1.

This order served on the district court shall act as and for the mandate of this court for cross appeal Nos. 08-30263 and 08-30264.

FOR THE COURT:

Molly Dwyer
Clerk of Court

By: David J. Vignol
Deputy Clerk